

## REMARKS

1. In response to the Office Action mailed March 2, 2006, Applicants respectfully request reconsideration. Claims 1-40 were originally presented in the application. In the outstanding Office Action, claims 1-40 have been rejected while claims 6, 8-9, 17, 26-27 and 36 have been objected to. By the foregoing Amendments, claims 1-4, 6-7, 11, 12-17, 22-24, 26-27, 32, and 36 have been amended. No claims have been cancelled or added. Thus, upon entry of this paper, claims 1-40 will remain pending in this application. Of these forty (40) claims, three (3) claims (claims 1, 22 and 23) are independent. Based on the above Amendments and following Remarks, Applicant respectfully requests that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### *Art of Record*

2. Applicant acknowledges receipt of form PTO-892 identifying additional references made of record by the Examiner.
3. Applicants acknowledge receipt of the form PTO-1449 filed by Applicant on January 13, 2005, which has been initialed by the Examiner indicating consideration of the references cited therein.

### *Claim Objections*

4. Dependent claims 6, 8-9, 17, 26-27 and 36 have been objected to because of various formalities. Applicants have amended claims 6, 17, 26-27, and 36 to overcome these objections. Applicants respectfully request that these objections be withdrawn.

### *Double Patenting Rejections*

5. The Examiner has provisionally rejected claims 1-40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/646,099 and claims 1-54 of copending Application No. 10/646,079.
6. Applicants have filed concurrently with this paper a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term of United States

Application Nos. 10/646,099 and 10/646,079. Applicants respectfully assert that these rejections have been obviated by the filing of the terminal disclaimer.

7. Applicants have submitted the terminal disclaimer solely to advance the prosecution of the application, without conceding that the double patenting rejection is properly based. In filing the terminal disclaimer, Applicants rely upon the rulings of the Federal Circuit that the filing of such a terminal disclaimer does not act as an admission, acquiescence or estoppel on the merits of the obviousness issue. See, e.g., Quad Environmental Tech v. Union Sanitary Dist., 946 F.2d 870, 874-875 (Fed. Cir. 1991); Ortho Pharmaceutical Corp. v. Smith, 959 F.2d 936, 941-942 (Fed. Cir. 1992).

***Claim Rejections under 35 U.S.C. §101***

8. Claims 1-23 have been rejected under 35 U.S.C. §101 because the language of claims 1 and 22 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible results to form the basis of statutory subject matter under 35 U.S.C. 101.

9. Applicants have amended independent claim 1 to recite “generating a clock signal for the first electronic device in accordance with the selected first clock frequency; and generating a clock signal for the second electronic device in accordance with the selected second clock frequency.” Applicants respectfully submit that amended claim 1 satisfies the requirements of 35 U.S.C. §101 and accordingly requests that the Examiner reconsider and withdraw the rejection to claim 1.

10. Independent claim 22 has been amended to recite “wherein a clock signal for the first electronic device is generated in accordance with the selected first clock frequency; and wherein a clock signal for the second electronic device is generated in accordance with the selected second clock frequency.” Applicants respectfully submit that amended claim 22 satisfies the requirements of 35 U.S.C. §101 and accordingly requests that the Examiner reconsider and withdraw the rejection to claim 22.

11. Applicants accordingly respectfully submit that dependent claims 2-21, which depend either directly or indirectly from independent claim 1 likewise satisfy the requirements of 35 U.S.C. §101 at least due to their dependence on independent claim 1.

12. Applicants also note that Applicants believe the Examiner made a typographical error in rejecting claims 1-23 under 35 U.S.C. §101 and instead meant to reject claims 1-22. In particular, in the Office Action, the Examiner only provided reasons for rejecting independent claims 1 and 22, but identified no reason for rejecting independent claim 23, nor did the Examiner reject any of the claims depending from claim 23 under 35 U.S.C. §101. As such, Applicants believe that the Examiner made a typographical error in listing claim 23 in the rejection, and respectfully request that the Examiner reconsider and withdraw the rejection to claim 23 under 35 U.S.C. §101.

***Claim Rejections under 35 U.S.C. §102 and §103***

13. Independent claim 23 and dependent claims 24-26, 28, 32-27, 39 and 40 have been rejected under 35 U.S.C. §102(b) as being clearly anticipate by U.S. Patent No. 6,073,244 to Iwazaki (hereinafter, "Iwazaki"). Additionally, dependent claims 27-29, 31 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Iwazaki, as applied to claim 23, and further in view of U.S. Patent No. 6,714,890 to Dai (hereinafter, "Dai"). Based upon the following Amendments and Remarks, Applicant respectfully requests reconsideration and withdrawal of these rejections.

14. Amended independent claim 23 recites, in part, "a memory storing information regarding the application program that may be used to determine power consumption and/or heat dissipation characteristics of the system when executing the application program; [and] a frequency calculator obtaining the stored information from the memory and selecting a first clock frequency for the first electronic device and a second clock frequency for the second electronic device, based at least on the stored information about the application program...."

15. Iwazaki, the primary reference relied on by the Examiner, discloses a clock control apparatus that selects clock frequencies by monitoring a load state of a central processing unit and peripheral processing units. (*See*, Iwazaki at col. 9 Ins. 30-35.) Iwazaki, however, does not teach or suggest storing information regarding an application program that may be used to

determine power consumption and/or heat dissipation characteristics of the system when executing the application program; nor does Iwazaki teach or suggest obtaining this stored information and selecting a clock frequency based on the stored information. Rather, Iwazaki merely discloses selecting the clock frequencies by monitoring the load state of the devices.

16. Applicants therefore respectfully submit that amended independent claim 23 is allowable over Iwazaki for at least the reason that Iwazaki fails to teach or suggest “a memory storing information regarding the application program that may be used to determine power consumption and/or heat dissipation characteristics of the system when executing the application program; [and] a frequency calculator obtaining the stored information from the memory and selecting a first clock frequency for the first electronic device and a second clock frequency for the second electronic device, based at least on the stored information about the application program....” Applicants further respectfully submit that Dai does not cure this defect of Iwazaki. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw the rejection to independent claim 23.

17. Additionally, although not rejected under 35 U.S.C. §102 or §103, Applicants have amended independent claims 1 and 22 to include similar recitations to those discussed above. Applicants respectfully submit that claims 1 and 22 are in condition for allowance.

#### ***Dependent Claims***

18. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

***Conclusion***

19. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael G. Verga', is written over a horizontal line.

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June 30, 2006